

City of Norman

Discrimination Based Workplace Harassment

(Sexual harassment & other Title VII based harassment)

Manual

Revised: 12/07

December 21, 2007

TO: ALL CITY OF NORMAN EMPLOYEES

This is the City of Norman's Sexual Harassment and Other Title VII Based Workplace Harassment Manual. The following pages contain the City of Norman's Policy statement; definitions of sexual harassment, sexual conduct, and other Title VII based workplace harassment; steps employees should take when making a harassment complaint; steps supervisors should take when receiving a harassment complaint; steps the Human Resources Director will take when receiving a harassment complaint; disciplinary guide for Title VII workplace harassment offenses; and a Title VII workplace harassment complaint form.

It is the policy of the City of Norman that all employees should enjoy working in an environment free from all forms of illegal discrimination, including harassment based on sex, race, religion, national origin, age, or disability. *Illegal workplace harassment or any type of harassment* undermines both the individual and the organization and has no place in the work setting. Education and training in the elimination of workplace harassment encourages all employees to act appropriately.

A handwritten signature in black ink, appearing to read "Steve Lewis", is written over a horizontal line.

Steve Lewis, City Manager

CITY OF NORMAN

POLICY STATEMENT ON SEXUAL HARASSMENT AND OTHER TITLE VII BASED WORKPLACE HARASSMENT

The Equal Employment Opportunity Commission (EEOC) issued guidelines affirming its position that harassment based on sex, race, religion, national origin, age, and disability in the workplace is illegal discrimination and, as such, is prohibited by Title VII of the 1964 Civil Rights Act, ADEA, and ADA. The courts recognize two distinct types of sexual harassment: 1) Quid pro quo, which is the traditional "this for that" demand for sexual favors in exchange for some benefit, and 2) Hostile environment, which is unwelcome conduct based on gender that is sufficiently pervasive or severe to interfere with the individual's job performance.

Our policy statement on the subject as follows:

It is the policy of the City of Norman that all employees should enjoy a working environment free from all forms of illegal discrimination, including sexual harassment and other harassment based on race, religion, national origin, age, or disability. No employee, either male or female, should be subjected to unsolicited or unwelcome sexual overtures or conduct, either verbal or physical, or to a hostile environment, or to unwelcome conduct based on race, religion, national origin, age or disability. Sexual harassment and other Title VII based workplace harassment lowers morale and is damaging to the work environment; it is also illegal. Therefore, the City of Norman will treat sexual harassment and harassment based on race, religion, national origin, age, and disability like any other form of employee misconduct - it will not be tolerated.

The City of Norman will enforce disciplinary action against any person who threatens or insinuates, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any condition of employment or career development. This discipline can include termination.

The City of Norman recognizes that the questions of whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect requires a determination based on all facts in each case. Therefore, the City of Norman will act positively to investigate alleged sexual harassment and other Title VII workplace harassment claims and to effectively remedy them when an allegation is determined to be valid.

Given the nature and the type of discrimination, the City of Norman also recognizes that false accusations of sexual harassment or other Title VII workplace harassment can have serious effects on innocent men and women. Therefore, false accusations could result in the same severe disciplinary action applicable to one found guilty of sexual harassment or other Title VII workplace harassment. Also, all information that relates to a sexual harassment complaint will be kept as confidential as possible and no retaliatory measures will be permitted.

Employees subjected to acts of sexual harassment or other Title VII workplace harassment should consider requesting the persons involved to cease from such harassment and shall immediately report such conduct to their immediate supervisor, a supervisor other than their immediate supervisor, their department head, or the Human Resources Director.

Sexual Harassment Defined

Sexual harassment shall be defined as unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (a) Submission of such conduct is made either explicitly or implicitly a condition of an individual's employment;
- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- (c) Such conduct has the purpose or effect of "unreasonably" interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes", jokes about gender specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another's body.

To summarize the above, sexual harassment is any unwelcome sexual conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual Conduct Defined

Sexual conduct shall be defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Verbal conduct of a sexual nature could include the telling of dirty jokes, use of vulgar language, and/or discussion of sexual activities or practices. These are not the only examples of sexual conduct, but are simply given as clarification.

Other Title VII Based Workplace Harassment Defined

Other Title VII based workplace harassment shall be defined as unwelcome, unsolicited verbal or physical conduct directed toward an employee's race, national origin, age, religion or religious beliefs, or mental, psychological, emotional, or physical condition.

Other Title VII based workplace harassment may include improper language such as ethnic or racial slurs or jokes, regular assignment to demeaning jobs or those jobs that are least desirable, consistent treatment in a derogatory or demeaning manner, derogatory or demeaning characterization of an employee based on his or her age, improper language that refers specifically to an employee's religion or religious beliefs in a derogatory manner, an attempt to convert an employee, consistently excluding an employee from certain kinds of work or activities because of

his or her disability, or unflattering references to an employee's mental, psychological, emotional or physical condition.

STEPS EMPLOYEES SHOULD TAKE

...if you feel you have been harassed:

- (a) You should tell the co-worker to stop the offensive behavior.
- (b) If the co-worker does not stop the offensive behavior, you should then make a complaint to **ONE** of the following:
 - Your immediate supervisor;
 - A supervisor other than your immediate supervisor;
 - Your department head;
 - Human Resources Director; or
 - City Attorney.

When making the complaint, you must provide specific facts concerning the offensive behavior. These facts should answer the following:

- Who committed the offensive behavior?
 - What was the specific behavior?
 - When and where did the incident(s) occur?
 - Were there any witnesses?
 - Did the incident occur more than once?
- (c) If the person receiving the complaint is someone other than the Human Resources Director, that person should promptly alert the Human Resources Director of the situation. It is the responsibility of the Human Resources Director to conduct an investigation to verify the facts of the complaint.
- (d) If the person who is the subject of the complaint is the Human Resources Director, then the complainant should report to the City Manager or City Attorney. If the subject of the complaint is the Human Resources Director, then the City Manager shall be responsible to insure a proper investigation and verification of the facts of the complaint.

STEPS SUPERVISORS SHOULD TAKE

....when receiving a harassment complaint:

- (a) You should get as many facts as possible. Questions you should ask include:
 - Who committed the offensive behavior?
 - What was the specific behavior?
 - When and where did the incident(s) occur?
 - Does the person making the complaint have any idea why the offensive behavior occurred?
 - Were there any witnesses to the situation?
 - What is the history of the relationship between the complainant and the alleged harasser? Were they friends? Casual acquaintances?
 - Has this type of incident ever happened before?
- (b) Stay neutral. It is your responsibility to gather the facts, not make judgments. It is also important that you not make any promises, other than to say an investigation will be forthcoming.
- (c) Call the Human Resources Director with the complaint. Relay all information you have gathered. It is critical that you make this step as soon as possible after receiving the complaint.

NOTE: If you actually observe harassing conduct, it is your responsibility as a supervisor to immediately intervene to halt the conduct. You should also call the Human Resources Director so an investigation can begin.

STEPS THE HUMAN RESOURCES DIRECTOR WILL TAKE

....when receiving a harassment complaint:

- (a) When a harassment concern is brought to the attention of the Human Resources Director, he will do the following on an informal basis before serving the department with a formal complaint:

Do an assessment interview to find out:

- What happened?
- When?

- Where?
 - Were there witnesses?
 - What resolution is requested?
 - Advise employee of his right to file a complaint with:
 Equal Employment Opportunity Commission (EEOC)
 531 Couch Drive, Suite 100
 Oklahoma City, Oklahoma 73102
 405 231-4911
 - Ask if employee has sought resolution within the department and encourage him to do so, if not previously done.
 - With the consent of the employee, arrange a meeting between the employee feeling harassed and appropriate department staff to seek resolution with the department.
 - Assure the employee that all information will be kept as confidential as possible and that no retaliatory measures will be permitted.
- (b) If informal resolution of the harassment complaint cannot be achieved, the Human Resources Director will do the following:
- Notify the City Manager and the employee's department in writing that an investigation will be conducted.
 - Interview person(s) feeling harassed.
 - Interview person(s) charged with harassment.
 - Interview witnesses and supervisor.
 - Review actions taken by department to prevent harassment.
 - Review related charges, personnel files, work records, and other relevant information.
 - Discuss EEO laws and Court cases with the City Attorney's Office, if applicable.
 - Prepare a report of findings, including a recommendation to the department head on how to handle the concern. (City Attorney's Office may review the report).
 - Follow up.
 - Notify employee that he will be informed of what steps the City will take to implement the complaint.
- (c) Notify person filing the complaint, the department head, and the City Manager of the decision.
- If no evidence of harassment is found, the Human Resources Director will notify the person bringing the concern and the department that the case is closed. False accusations could result in the same severe disciplinary action applicable to one found guilty of harassment.
 - If probable cause that harassment has occurred is found, the Human Resources Director will meet with the person feeling harassed, and the department to advise them of the findings and to notify them as to what disciplinary actions will be taken.

**CITY OF NORMAN
DISCIPLINARY GUIDE FOR
SEXUAL HARASSMENT
OFFENSES**

The following is a disciplinary guide that may be used in disciplining non supervisory employees who have engaged in sexual harassment. The first offense in any of the problem statements below may result in discharge, depending on the circumstances.

PROBLEM	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Subtle or overt pressure for activity	Written Reprimand	Suspension or Discharge	Discharge
Unwelcome patting, pinching or touching	Warning	Written Reprimand	Suspension or Discharge
"Accidental" brushes or touches	Warning	Written Reprimand	Suspension or Discharge
Deliberate assaults or molestations	Suspension or Discharge	Discharge	
Requests for favors; implied threats concerning employment or promises or preferential treatment	Suspension	Discharge	
Explicit offers of money for sex	Discharge		

In addition, supervisory personnel are responsible for implementing and monitoring compliance with City policies and therefore more severe discipline may be deemed appropriate for violations of this policy by supervisory personnel, up to and including termination, for a first offense for any of the problem areas noted above.

CONFIDENTIAL

**CITY OF NORMAN
TITLE VII WORKPLACE HARASSMENT
(Based on sex, race, religion, national origin, age, disability.)**

COMPLAINT FORM

**Please fill out this form completely and return it to
your Supervisor or the Human Resources Director,
City Attorney or the City Manager.**

1. Name: _____

2. Name/Names of alleged harasser/harassers: _____

3. What type of relationship do you have with the harasser(s)? (Co-workers,
supervisor/employee, boyfriend/girlfriend) _____

4. Details of alleged misconduct: _____

Date: _____

Time: _____

Location: _____

Witnesses: _____

What happened? _____

5. What was your response to alleged harasser(s)? _____

6. What effect has the alleged misconduct had on you? _____

7. Is there anything else you would like for the City of Norman to know that relates to this
complaint? _____

